

SECTION 122
WIRELESS COMMUNICATION FACILITY REGULATIONS

A. ADMINISTRATION

1. Purpose & Intent:

The purpose of this ordinance is to provide for the development of wireless communication services throughout the Town of Camp Verde while protecting the public health, safety, welfare, and property of the citizens and to ensure the community's remarkable scenic, wildlife, historic and cultural qualities.

2. Conformance with Applicable Ordinances:

This Ordinance shall be an addendum to the Camp Verde Zoning Ordinance. All wireless communications facilities shall conform to this Ordinance except those used solely for transmission and receipt by a single user and not otherwise restricted within that zoning district, including but not limited to amateur radio and devices necessary for the use of a subscription to a commercial wireless provider service.

In accordance to the Telecommunications Act of 1996, no legal statute or regulation, or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

B. DEFINITIONS

As used in this section, the following terms shall have the following meanings:

- 1. Alternative tower structure:** vertical components not generally designed for use as antenna support structures including but not limited to structures such as church steeples, ballpark light poles and water towers.
- 2. Antenna:** any exterior device for transmitting and receiving wireless communication mounted on a tower, alternative tower structure, building or structure and used for transmitting and receiving wireless communication for a fee to more than one customer at one time.
- 3. Antenna, attached:** an antenna mounted on the exterior of an existing building, silo, smokestack, water tower, utility or power pole, existing wireless communication tower, or an alternative support structure.
- 4. Antenna, concealed (stealth):** an antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include but are not limited to manmade trees, clock towers, flagpoles that do not exceed ten feet above the maximum building height, light structures, steeples, water tanks, and architectural façade and parapet features.
- 5. Arbitrator:** person designated by the American Arbitration Association to resolve a dispute.
- 6. Certification:** A written statement of the fact to be certified made under oath by the applicant or licensed professional working for the applicant and notarized.

7. **Collocation:** use by two or more wireless communication providers located on the same tower or alternative tower structure.
8. **Commercial Coverage:** a single FCC licensee's network of wireless communications facilities providing a level of service to all areas of the community which, when fully developed, will permit viable commercial operation.
9. **FAA:** Federal Aviation Administration.
10. **Facility, Existing:** a wireless communication facility in active use and for which a building permit has been properly issued and has not expired before the effective date of this section.
11. **Facility, New:** a wireless communication facility proposed to be located where a facility does not currently exist.
12. **FCC:** Federal Communications Commission.
13. **Financial Assurance:** bond, cash, contract or other acceptable document on file with the Town, submitted by the applicant guaranteeing the return of the site to a condition approved by the Town.
14. **Height:** the distance from the finished grade at the antenna tower base to the highest point of the tower. Overall tower height includes the base pad, mounting structures, panel antennae, lightning rods and whip antennae.
15. **Person:** includes a corporation, company, partnership, firm, association or society, as well as an individual property owner.
16. **Planning and Zoning Department:** the Director of the Planning and Zoning Department for the Town of Camp Verde or his/her designated representative.
17. **Proposed Site:** boundaries of the parcel proposed for development.
18. **Residence:** a home, abode, or place where an individual is actually living at a specific point in time.
19. **Residential:** suitable or used for a residence.
20. **Site Facility:** property as defined by parcel boundaries of where the facility is located.
21. **Tower Lattice:** a self-support structure, erected on the ground, which consists of cross bracing of structural steel to support antennae and related equipment.
22. **Tower Monopole:** a self-support structure, with a single shaft of wood, steel, or concrete, and a platform for antenna arrayed at the top known as a "top hat".
23. **Use, permanent:** the active daily use of antennae for the commercial transmission and receipt of wireless communication intended at the time of its installation and approved to be actively used for a permanent basis.

- 24. **Use, temporary:** the active daily use of antennae for the commercial transmission and receipt of wireless communication intended at the time of its installation and approved to be actively used for a specific period of time.
- 25. **User, single:** a single dwelling or a single business.
- 26. **Wireless Communication:** any technology for transmitting communication through the air.
- 27. **Wireless Communication Facility:** any combination of one or more antennae, towers and/or structures or equipment used for the transmission of wireless communication.
- 28. **Wireless Communication Provider:** any FCC licensed service provider for the Town of Camp Verde, and any supplier of wireless communication facilities for those providers.

C. GENERAL PROVISIONS

The following are applicable to all wireless communication requests:

- 1. **Camouflaging:**
 - a. Improvements consisting of a wireless communication facility including tower structure, antennae and related electrical and mechanical equipment, shall, to the extent possible, use materials, colors, textures, screening, landscaping, and terrain to blend them into the natural and surrounding setting, unless subject to any applicable standards of the FAA.
 - b. The specific requirements for camouflaging will be determined on a case by case basis depending on the proposed location.
- 2. **Collocation:**
 - a. Priority will be given, after a complete and correct application, fee and all required documentation and information is filed, to applicants who collocate on Town facilities.
 - b. Wireless communications facilities located on property owned, leased, or controlled by The Town of Camp Verde pursuant to agreement of or approved by The Town of Camp Verde shall be a permitted use in all zoning districts, except residential districts, with a zoning clearance.
 - c. An applicant who certifies in writing that the tower constructed will be suitable for collocating multiple providers of varying wireless technologies and, as a condition of zoning, executes a written agreement (collocation agreement) with The Town of Camp Verde on a form approved by the Town Attorney, consenting to application of the terms of this provision, shall, unless waived by the applicant, receive preferential treatment for a final approval or rejection of its application after a complete and correct application, fee and all required documentation and information is filed.
 - d. Proposed antenna facilities, including concealed antennas, shall be designed to accommodate not only equipment for the applicant's use, but also for the collocation for at least one additional wireless

communications provider for every 30' of height proposed. The Town Council may reduce the required shared capacity, if a facility necessary to provide for such collocation, adversely alters the area's visual character.

- e. Collocation Agreement: The collocation agreement shall provide for at least the following:
- 1) The applicant shall accept for collocation any FCC licensed wireless communication provider (additional user) using any compatible technology on commercially reasonable terms considering all of the factors a reasonable tower leasing company would deem relevant in entering into such an agreement;
 - 2) Any additional user seeking collocation shall submit specifications for its equipment and use (request to the applicant and applicant shall, within 30 days thereafter, respond to such party in writing, furnishing all technical requirements which must be resolved before collocation.
 - 3) The applicant and the additional user shall, thereafter in good faith, attempt to resolve any technical or business terms. If, after 30 days from the response, the additional user may submit in writing a request for arbitration to applicant and the American Arbitration Association which shall designate a person knowledgeable in collocation of wireless communication carriers, to act as arbitrator and decide all issues between the parties. Such arbitration shall be held within 30 days of the request for arbitration. Upon the written agreement of both parties, a different procedure for binding dispute resolution may be used. The result of the arbitration or other resolution method agreed to by the parties shall be binding.
 - 4) If the arbitrator certifies in writing to the Town of Camp Verde that the applicant has failed to comply with the decision of the arbitrator within 15 days of its issuance by the arbitrator, the use permit or administrative approval for the wireless communication facility in question shall be terminated and the wireless communications facility shall be removed within 30 days of the date of the arbitrator's certification, failing which, The Town of Camp Verde shall have all of the remedies available to it for elimination of a use in violation of the zoning code;
 - 5) The additional party, upon submitting the request shall become a third party beneficiary to the collocation agreement.
 - 6) The Town of Camp Verde shall not be a party to any contract between the applicant and the additional party and shall not be a required party and shall not be made a party to any dispute or arbitration and applicant shall indemnify, defend and hold The Town of Camp Verde harmless from any cost, including reasonable attorney fees associated with such matters.

- 7) A lease or other agreement containing the business terms proposed by the applicant for collocation shall be attached as an exhibit to the collocation agreement.

3. Height Limitations

Collocations on towers or structures are allowed on a 15' height increase above the standard height restrictions for the second, third, and fourth collocations.

4. Lot Size

For purposes of determining whether the installation of a tower or antenna complies with district development regulations, even though the antennas or towers may be located on a separately leased portion of the lot, the density district requirements of the entire overall lot shall control requirements, including but not limited to setbacks, lot coverage percentages, and other such requirements.

5. Equipment shall not generate noise levels that exceed 45 DBA Sound Pressure Level (SPL) on directly adjacent properties. This maximum sound level does not apply to generators used in emergency situations when the regular power supply is temporarily interrupted and noise made during the regular maintenance and upkeep of the facility and site.

6. Principal or Accessory Use

Antennas and towers may be considered either principal or accessory uses to the principal use of the property.

7. Setbacks

- a. Setbacks and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.
- b. Tower facilities must be set back from any lot line a distance equal to at least 100 percent of the height of the tower unless a greater setback is required for the particular zoning district: i.e., the reclining length of any tower must be located on the lot so that in the case of collapse, the tower would be contained within the bounds thereof.
- c. Tower facilities must be located no closer than 5,000 feet to residential areas.
- d. Guys and accessory structures must satisfy the minimum zoning district setback requirements.
- e. Facilities that are located on existing or replaced streetlights, traffic signal poles or electrical utility poles are exempt from any setback requirements.

8. All wireless communication facilities shall be maintained in compliance with applicable state or local building codes under which they were constructed and any regulations of the FAA, the FCC, and any other federal government agency with the authority to regulate them or their components. If such Federal standards and regulations are changed, then the owners of the wireless communication facilities governed by this chapter, which are applicable to these new federal standards shall bring such towers and antennas into compliance with such revised standards and regulations within three months of the effective date of such standards and unless a different compliance schedule is mandated by

controlling law. Wireless communications facilities that are not in compliance, shall be removed at the owner's expense if not brought into compliance within 30 days after written demand by the Town of Camp Verde.

9. Wireless communications facilities shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
10. **Zoning Districts**
 - a. All other locations must be exhausted before a wireless communication facility applies for location in a residential zone.
 - b. Except as provided in this section, all buildings and use processes and requirements, including height restrictions, applicable in the zoning district shall apply to wireless communication facilities.
11. Above ground equipment shall be enclosed by concrete masonry unit walls with landscaped screening, if located within 1,000 feet of existing residences.
12. Camp Verde Fire Department and Camp Verde Marshal's Office shall have access to the exterior and interior via keys or other method in case of emergency.

D. MODIFICATION

No existing wireless telecommunications facility may be changed or modified except as follows:

1. The change or modification is required by a change in user or technology.
2. The change is required for the collocation of additional carriers on the existing structure.
3. The change does not increase the height of the tallest component above the height approved in the use permit, administrative approval, or in the case of a pre-existing facility, its then current height.
4. At the conclusion of the change or modification, the facility complies with all requirements of the Town of Camp Verde Community Development Department.
5. An explanation is submitted to the Planning and Building Director stating why the modification is necessary, and an updated Provider's Communication Plan, including any proposed changes in the service areas, antennae, towers, and policy direction is provided.

E. PROHIBITIONS

1. Lighting

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the application shall contain a list of optional light devices and a statement of the reason for selection of the light device specified over each of the options.

2. Signs

No signs shall be allowed at a facility with the exception of a single one (1) square foot sign providing emergency contact numbers for the facility.

- 3.** Wireless communication facilities shall not be installed in environmentally sensitive areas, including but not limited to any riparian or watercourse areas.

F. PROVIDERS COMMUNICATION PLAN

- 1.** Each wireless communication provider shall provide a plan of its facilities within the Town's area of interest to the Town of Camp Verde prior to any application for the installation of a wireless communication facility. The plan shall cover the entire Town extending five (5) miles beyond the Town border. The plan shall include the following.

- a. All of the provider's existing wireless communication facilities, by size, type and their coverage areas.
- b. All presently anticipated future service areas, anticipated deployment date, and types of wireless communication facilities and heights desired for each of the service areas.
- c. The various types of wireless communication facilities used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennae and equipment as well as written materials describing their application.
- d. The provider's policy direction for the mitigation and/or reduction of existing and proposed towers to avoid the proliferation of such facilities.
- e. The provider's policy direction on the mitigation and/or reduction of the negative visual impact created by existing towers, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.
- f. The provider's policy direction on collocation of antennae on their own facilities, on facilities from other provider's, or on other structures that provide the verticality required to this Section.
- g. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this Section.

G. APPLICATION SUBMITTAL AND REVIEW

1. General

The following provisions shall govern the issuance of permits for towers or antennas:

- a. If the wireless communication facility is not a permitted use, then an administrative approval or a use permit shall be required for the construction.

- b. Applications for administrative approvals and use permits for a wireless communication facility shall be subject to the procedures and requirements for use permits generally, except as modified in this section.
- c. Fees for applications under this section are listed in Section K under Fee Schedule.
- d. All use permit or administrative review approvals for new wireless communication facilities shall be granted for a maximum period of ten (10) years with Council review after five (5) years. The applicant/structure owner shall be responsible for initiating an administrative renewal and possible extension of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the facility as approved. Applications for collocation on existing structures shall be set for a period of time so that the expiration date for the collocation expires simultaneously with the structure. If an extension is denied by the Planning and Zoning Department, the applicant may appeal the decision to the Planning and Zoning Commission and the Town Council by applying for a use permit.
- e. In granting approval of an application, The Town of Camp Verde may impose conditions to the extent that such conditions carry out the purposes of this section.
- f. Any information of an engineering nature that the applicant submits shall be certified by an Arizona licensed professional engineer.
- g. The Community Development Director is authorized to employ on behalf of the Town Council, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review.
- h. Prior to applying for a new facility, including collocation, the applicant shall meet with community groups and interested individuals who reside or own property within one thousand (1000) feet of the proposed site to explain the proposed project. The purpose of these meetings are to inform and educate the community on wireless communications and the restrictions placed on The Town of Camp Verde by the Federal Telecommunications Act of 1996, as well as to solicit suggestions from these groups about the applicant's proposal and impact mitigation measures. Applicant shall make a concerted effort to incorporate the community suggestions for impact mitigation generated by the meetings and describe the efforts in the application. Applicant shall be prepared to discuss information including but not limited to, technical aspects, visual aspects, including alternative sites and designs. Applicant shall provide detailed meeting minutes, copy of all materials delivered or received, and documentation of who attended the meetings from the community organization.

2. Performance Criteria:

The order of preferences for wireless communication facilities is, from most preferred to least preferred:

- a. Concealed sites.
- b. Collocation on an existing Town property.
- c. Collocation on an existing facility, tower, or electrical utility pole.
- d. New sites located on public lands at least 5000' from private land.
- e. New concealed or attached antenna sites located on/at public or quasi-public facilities.
- f. New towers/facilities under 99'.
- g. New towers/facilities 100' to 199'.
- h. New towers/facilities 200' and over.

New facilities shall use the most preferred facility type where technically feasible, even if it results in an increase in the number of facilities, or a higher cost. A lesser preferred facility type may be permitted only if the applicant presents substantial evidence to show that it will have less of a visual impact than the use of more preferred facilities.

3. Characteristics

The following characteristics are deemed consistent with the purposes of this section and will be afforded favorable weight in considering the application:

- a. Sites located on an existing Town property.
- b. Existing structures will be preferred over new structures.
- c. New structures that are camouflaged to blend into the location.
- d. Wireless communication facilities that cannot be readily observed from adjacent streets.
- e. Structure heights that do not exceed the height limitations for that zoning district. When heights may exceed an adjacent district's height restrictions, the owner of that adjacent jurisdiction will be notified of the application by the Town.
- f. Collocation of all licensed carriers for The Town of Camp Verde on a single wireless communication facility in remote locations will have significant favorable weight in evaluating the application.
- g. The service provider's development plans which achieves the least obtrusive wireless communication facilities of all providers reasonably necessary for commercial coverage.
- h. Location in the least restrictive zoning district starting with Industrial.
- i. Suitability of the location for collocation of governmental public service wireless communication facilities.

H. ADMINISTRATIVE REVIEW APPLICATIONS

Applications for collocation of antennae on, and equipment at, an existing, permitted wireless communications facility, shall be subject to review by the Community Development Department staff and approval by the Planning Director. Applications to place antennae on top of, or attached to, an existing or replaced utility/power pole which does not extend the height of the existing pole by more than ten (10) feet shall also be evaluated by the Administrative Review process. A decision shall be rendered to approve or deny within 14 days of submittal of a complete application. If an Administrative Review application is denied by the Community Development Department, the applicant may then apply for a Use Permit.

1. Application Requirements:

- a. Completed hearing application submittal form, letter of authorization, and permission to enter property letter as contained in the application procedures information packet.
- b. An updated Provider's Communication Plan, including any proposed changes within the Town's area of interest, antennae, towers, and policy direction.
- c. Study on impact of emissions.
- d. Data on herbicides used on site.
- e. Photographs of the site prior to construction of the facility.
- f. Biological impact study.
- g. The zoning classification of the site.
- h. Plans showing elevation drawings of the exterior of each element of the proposed wireless communication facility including method of fencing, color, and regulations.
- i. Certification that the wireless communication facility, as represented in the application, will comply with all FAA, FCC and other applicable regulations.
- j. Copies of all wireless telecommunication licenses for all providers who will use the facility at the time of filing the application;
- k. Copy of signed, lease agreement with landowner.
- l. Semi-annual notification to the Town giving use status of the facility.
- m. Reclamation Plan as specified in this ordinance.

I. ADMINISTRATIVE REVIEW WITH COMMENT PERIOD APPLICATIONS

Applications for new wireless communication facilities that do not exceed ten (10) located at least 5,000 feet from the nearest privately owned land, would be subject to administrative review with a 21-day public comment period. Surrounding property owners and community organizations shall receive notice of the application. If an Administrative Review with Comment Period application is denied, the applicant may then apply for a Use Permit.

1. Application Requirements:

- a. All material associated with the submittal of an Administrative Review application as stated above.
- b. A mailing list of all property owners within 1,000 feet of the facility site, and pre-addressed envelopes affixed with first class postage to each property owner.

- c. A map showing the adjacent roadways and proposed means of legal access.
- d. RF propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of connecting sites.
- e. The setback distance between the proposed wireless communication facility, the nearest residential unit and/or the nearest residential zoned owned properties.
- f. Certification of whether the applicant is applying for collocation treatment, and how many carriers could be accommodated on the facility with adequate signal coverage.
- g. Certification that no Town Property or municipally owned site, or existing wireless facility reasonably meets the needs of the applicant, listing all such sites within five (5) miles of the proposed site and the reason each is not physically adequate for reasonable commercial coverage, or not economically feasible for location.
- h. A visual analysis, which may include photo simulations, field mock-ups, or other techniques, which identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the three closest residences within one half-mile of the proposed site and from the closest collector or arterial discretion, request additional photos from specific vantage points.
- i. Attendees list, minutes, and information obtained from required community meeting.

J. USE PERMIT APPLICATIONS – PUBLIC HEARING REQUIRED

Any new wireless communication facility that exceeds ten (10) feet above the maximum height allowed in the density district, or does not meet all of the criteria to be allowed in the Administrative review processes, shall require a Use Permit.

1. Application Requirements:

- a. All material associated with the submittal of an Administrative Review with Comment Period.
- b. A complete Use Permit application packet.
- c. A mailing list of all property owners within the distance required from the facility site, and pre-addressed envelopes affixed with first class postage to each property owner.

Notification required by tower height:

- 99 feet and under = 1,000 feet radius
- 100 to 199 feet = 2,500 feet radius

- 200 feet and above = 5,000 feet radius
- d. RF frequency propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of connecting sites. If the applicant is seeking collocation of multiple carriers, the RF propagation coverage maps should also include on a separate map, the coverage areas obtained from the lowest collocation point on the tower.
- e. Certification that policing, fire departments, public safety, water and local governments having jurisdiction within five (5) miles of the site have been notified of the application.
- f. The applicant shall submit a visual analysis of the potential impact to the proposed site, which will include photo simulations, field mockups, or other techniques that identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the five closest residences within two miles of the proposed site and from the closest collector or arterial street. The Community Development Director may at his/her discretion, request additional photos from specific vantage points.
- g. A written narrative/explanation of why it is necessary that the proposed wireless communications facility be located in the proposed location, and why it will exceed the maximum height allowance for the zoning district in which it is proposed. If the explanation is based on coverage maps, structural calculations, lease amounts, or any other information pertinent to the need for the structure or additional height, this information shall be included as appendices to the narrative.

2. Standards:

In addition to any standards for consideration of use permit applications, the following shall be considered in determining whether to issue a use permit or administrative approval

- Height proposed
- Proximity to other uses
- Historic sites
- Landmarks
- Vehicle traffic routes
- Medical facilities
- Air routes
- Topographical features
- Utilities
- Access
- Suitability of alternative sites
- Visual impact

K. RECLAMATION PLAN

All applications must include a detailed reclamation plan. Implementation of the Reclamation Plan must begin within seven calendar days after the removal of the facility. The reclamation plan must include:

- Conceptual drawing of what the site will look like after the reclamation plan is completed.
- Vegetation plan.
- Implementation plan.

- Completion schedule.
- Cost estimate.

Financial assurances equal to the cost estimate shall be posted by the applicant prior to the issuance of building permits. The applicant will add an amount equal to 8% of the cost estimate yearly to the financial assurance until the reclamation plan is completed.

L. REMOVAL

Prior to building permits/zoning clearances being issued, and within 30 days of Town Council approval, financial assurances shall be posted by the applicant to assure the removal of the tower and return of the site to its previous state in the event the use is discontinued or abandoned.

Towers and antennae shall be removed, at the owners' expense, if not used for a permanent use for 180 consecutive days unless this period is extended pursuant to this section. If the tower or antennae is not removed, after 180 consecutive days of disuse, the Town of Camp Verde may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the Town of Camp Verde may cause removal at the cost of the owner.

An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Planning Director may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause.

Upon removal of the wireless telecommunications facility, the applicant will have seven calendar days to begin the reclamation plan approved with the original application.

M. FEE SCHEDULE

Application fees for Wireless Communication Sites shall be as follows:

Applications processed by:

Administrative Review-----	\$220
Administrative Review/Comment Period-----	\$550

Applications requiring a Special Use Permit:

Towers less than 99'-----	\$1,550
Towers 100' to 199'-----	\$2,100
Towers 200' and over -----	\$2,650

Applications to review/renewal an existing approved facility –50% of original fee.